

**REMARKS**

In the specification, the above-identified paragraphs have been amended to correct minor editorial problems.

Claims 1-26 remain in this application. Claims 1 and 10 have been amended to correct antecedent basis. New claims 21-26 have been added to the application.

Reconsideration and allowance of claims 1-26 are respectfully requested.

Claims 2-3, 5-6, 8-9, 11-12, 14-15 and 17-18 have been rejected under 35 U.S.C. 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Claims 2-3 have antecedent basis from line 8 of amended claim 1. Claims 5-6 have antecedent basis from line 8 of claim 4. Claims 8-9 have antecedent basis from line 7 of claim 7. Claims 11-12 have antecedent basis from line 6 of amended claim 10. Claims 14-15 have antecedent basis from line 8 of claim 13. Claims 17-18 have antecedent basis from line 7 of claim 16. Removal of this rejection is respectfully requested.

Claims 1, 4, 7, 10, 13, 16 and 19-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of United States Patent Number (USPN) 6,201,805 in view of USPN 6,490,275 (Sengodan). A terminal disclaimer has been filed herewith, and removal of this rejection is respectfully requested.

Claims 1, 4, 7, 10, 13, 16 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,407,996 (Witchalls) in view of Sengodan. Applicant respectfully traverses this rejection, and requests reconsideration in view of the following remarks.

Claims 1-26, either directly or indirectly, all recite the feature of communicating information between an application computer and call controller indicative of a telephone call in progress. At least this feature is not shown in the cited documents.

Witchalls fails to describe communicating information between an application computer and call controller indicative of a telephone call in progress. According to the Office Action, Witchalls discloses an application computer, citing as examples computers 302-308, 316, 317, 410, 420 and 499. According to Witchalls, however, computers 302 and 304 are described as an Internet gateway and PSTN gateway, respectively.

Witchalls, Col. 7: Lines 31-38. Computers 303, 305-308 and 410-499 are described as endpoints. Witchalls, Col. 7: Lines 30-50 and Col. 8: Lines 5-20. Therefore, computers 302-308 and 410-499 are not "application computers" as recited in the claims.

Witchalls describes computers 316 and 317 as exchange monitoring computers. The function of the exchange monitoring computers is to make telephony requests to call control and gain information from call control concerning which communications connections are in existence. Witchalls, Col. 7: Lines 52-58. This is the only description of computers 316 and 317, and Witchalls does not discuss computers 316 and 317 any further in the document.

The exchange monitoring computers are not an application computer communicating information with a call controller indicative of a telephone call in progress. Computers 316 and 317 are not an "application computer" as recited in the claims, since they do not execute any telephony applications. Although it is unclear given the brief discussion of computers 316 and 317, it seems that these computers simply monitor existing connections through the communications exchange apparatus

300 via a computer telephony integration (CTI) unit 315. Moreover, computers 316 and 317 are limited to monitoring existing connections. There is no mention whatsoever of communicating information indicative of a telephone call in progress, as recited in the claims.

Similarly, Sengodan fails to disclose the feature of communicating information between an application computer and call controller indicative of a telephone call in progress. Sengodan describes a system to perform call setup in a multimedia communication system. Sengodan does not describe any "application computer" at all, let alone an application computer communicating information indicative of a telephone call in progress with a call controller, as recited in the claims.

Since Witchall and Sengodan fail to disclose all the recited elements of the claims, the claims represent patentable subject matter over Witchall and Sengodan, whether taken alone or in combination. Further, the cited documents do not disclose a teaching, suggestion or motivation to combine the described systems in an attempt to arrive at the claimed subject matter.

Claims 1-3 and 10-12 each further recite the additional feature of the information being indicative of the length of the telephone calls. As correctly noted in the Office Action, Witchalls fails to disclose this feature. Office Action, Page 4. The Office Action asserts that the missing feature is shown by Sengodan. More particularly, the Office Action states that "Sengodan discloses the Admission Request (ARG) message indicates the length of the call (the duration of the conference, col. 7: lines 19-21)." Id. Applicant respectfully disagrees.

Sengodan fails to disclose the additional missing features of claims 1-3 and 10-12.

Sengodan discloses a system to perform call setup for multimedia communication systems. When a user places a call from an endpoint, the endpoint starts request admission from the gatekeeper using an ARQ message. The ARQ message carries information to represent "the initial bandwidth the endpoint requires for the duration of the conference." Sengodan, Col. 7: Lines 19-21. The ARQ message, however, does not carry any information to represent the actual duration of the conference. Further, the ARQ message is communicated between the endpoint and gatekeeper, and not an application computer and call controller.

For at least the above reasons, Applicant submits that claims 1-26 recite novel features not shown by the cited documents. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited documents. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited documents.

It is believed that claims 1-26 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

Appl. No. 09/805,501  
Amendment Dated 9/22/2003  
Reply to Office Action of May 21, 2003 [Paper No. 5]

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

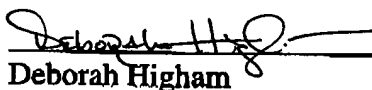
Respectfully submitted,

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Under 37 C.F.R. 1.34(a)

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9/22/03  
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